

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Keith Kessler, Deanna Kessler, Stephen )  
Kessler, Leah Kessler, Hayden Kessler, )  
and Megan Kessler, )  
   )      **ORDER**  
Plaintiffs, )  
   )  
vs. )  
   )  
Minnesota Power, a Division of ALLETE, )      Case No. 1:22-cv-029  
Inc., )  
   )  
Defendant. )

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On June 29, 2023, the Parties filed a Joint Discovery Plan/Stipulation Amending Scheduling Plan. (Doc. No. 97). The court **ADOPTS** the Parties' plan and stipulation (Doc. No. 97) in part. The pretrial deadlines shall be amended as follows:

- (1) All fact discovery will be completed by the following deadline, with all discovery pursuant to Rules 33, 34, and 36 to be served a minimum of thirty-three (33) days prior to the deadline: April 1, 2024.
- (2) Discovery motions are due by May 15, 2024.
- (3) The deadlines for exchanging complete expert witness reports are as follows:
  - (a) April 1, 2024 for Plaintiffs;
  - (b) May 1, 2024, for Defendant; and
  - (c) May 15, 2024, for rebuttal experts.
- (4) Depositions of expert witnesses shall be completed by June 15, 2024.
- (5) Non-dispositive motions are due by July 1, 2024.
- (6) Dispositive motions are due by July 1, 2024.

- (7) Depositions taken only for presentation at trial shall be completed at least 30 days prior to trial.
- (8) Motions in limine shall be filed at least thirty (30) days prior to trial unless otherwise instructed by the court.

The parties have agreed to the following:

- (9) Maximum number of interrogatories to be issued to a party: 50.
- (10) Maximum number of requests for admissions to be issued to a party: 50.
- (11) Maximum number of request for production of documents to be issued to a party: 50.
- (12) Maximum number of depositions to taken per side: 12 factual depositions, excluding expert witness depositions.

The final pretrial conference set for April 16, 2024 shall be rescheduled for November 19, 2024, at 9:00 AM by telephone before the magistrate judge. To participate in the conference the parties shall call (877) 810-9415 and enter access code 8992581. The jury trial set for April 29, 2024, shall be rescheduled for December 2, 2024, at 9:00 AM in Bismarck (Eagle courtroom) before Judge Hovland. A five (5) day trial is anticipated.

**IT IS SO ORDERED.**

Dated this 30th day of June, 2023.

*/s/ Clare R. Hochhalter*  
Clare R. Hochhalter, Magistrate Judge  
United States District Court